

SUMMARY OF PROCEEDINGS

BOARD OF SUPERVISORS - COUNTY OF KERN

1115 Truxtun Avenue
Bakersfield, California

Regular Meeting
Tuesday, February 1, 2005

9:00 A.M.

BOARD RECONVENED

Supervisors: McQuiston, Maben, Patrick, Watson, Rubio
ROLL CALL: All Present

SALUTE TO FLAG - Led by Supervisor McQuiston

NOTE: The vote is displayed in bold below each item. For example, Patrick-Maben denotes Supervisor Patrick made the motion and Supervisor Maben seconded the motion.

CONSENT AGENDA/OPPORTUNITY FOR PUBLIC COMMENT: ALL ITEMS LISTED WITH AN ASTERISK (*) OR A NUMBER SIGN (#) WERE CONSIDERED TO BE ROUTINE AND APPROVED BY ONE MOTION.

NOTE: SUPERVISOR MABEN RECOGNIZED LINDA WHITE, RECENT SECOND DISTRICT APPOINTEE TO THE KERN COUNTY BOARD OF TRADE

SUPERVISOR WATSON RECOGNIZED MICHAEL SCHMIDT, FOURTH DISTRICT APPOINTEE TO THE PARKS AND RECREATION COMMITTEE

BOARD ACTION SHOWN IN CAPS

RESOLUTIONS/PROCLAMATIONS

- 1) Resolution honoring Thomas Clark, Kern County Water Agency, upon his retirement with 23 years of service - ADOPTED RESOLUTION; MADE PRESENTATION TO TOM CLARK; FRED STARRH, ANN MATHEWS, KERN COUNTY WATER AGENCY BOARD OF DIRECTORS, AND TOM CLARK HEARD

McQuiston-Patrick: All Ayes

- 2) Certificates of Recognition recognizing the Bakersfield College State Champion Wrestling Team - MADE PRESENTATIONS TO COACH BILL KALIVAS, ASSISTANT COACH JESSE ORTEGA, ASSISTANT COACH BRETT CLARK AND TEAM MEMBERS JEFF BAKER, GILBERT CARRILLO, RYAN CORN, JOE ESPEJO, MIGUEL GUTIERREZ, ANDREW GUZMAN, COLBY HEPPLER, MATT MALDONADO, DAVID MANRIQUEZ, JOSHUA MCCARTNEY, RAMON PEREZ, JASON POINTS, KRIS SUBIA, MANUEL VASQUEZ, JESSE VELASQUEZ; COACH KALIVAS AND ASSISTANT COACH ORTEGA HEARD

Patrick-Maben: All Ayes

NOTE: ITEM NO. 8 WAS HEARD OUT OF ORDER AFTER AGENDA ITEM NO. 2

PUBLIC REQUESTS

- 3) Request from Horace Mitchell, President, Cal State University Bakersfield, to address the Board regarding "CSU Bakersfield: A Report to the Community" - DR. HORACE MITCHELL HEARD; RECEIVED AND FILED DOCUMENTS

McQuiston-Patrick: All Ayes

APPOINTMENTS

- *4) Appointment of Linda White as Second District Member to the Board of Trade, term to expire at the Pleasure of the Board - MADE APPOINTMENT

Patrick-Maben: All Ayes

- *5) Appointment of Michael Bruce Schmidt as Fourth District Member to the Parks and Recreation Commission, term to expire January 2009 - MADE APPOINTMENT

Patrick-Maben: All Ayes

- *6) Reappointments of Brenda Callahan and JoAnne Teague as At-large Tenant Commissioner Members to the Housing Authority of the County of Kern, terms to expire February 10, 2007 - MADE REAPPOINTMENTS

Patrick-Maben: All Ayes

- *7) Reappointment of Doug Carman as At-large Member to the Citrus Pest Control District, term to expire January 26, 2009 - MADE REAPPOINTMENT

Patrick-Maben: All Ayes

NOTE: AGENDA ITEM NO. 8 WAS HEARD OUT OF ORDER AFTER AGENDA ITEM NO. 2

PUBLIC PRESENTATIONS

- 8) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU! - LINDA WHITE COMMENTED ON THE PASSING OF ROY WEYGAND, PRESIDENT, KERN COUNTY TAXPAYERS ASSOCIATION. MEMBERS OF THE BOARD ALSO EXPRESSED THEIR SYMPATHY TO HELEN WEYGAND AND ROY'S FAMILY, AND EXPRESSED THEIR APPRECIATION FOR ROY'S CONTRIBUTIONS TO THE COMMUNITY AND ON BEHALF OF THE TAXPAYERS OF KERN COUNTY

(CONTINUED ON PAGE 3)

(CONTINUED FROM PAGE 2)

KERN COUNTY FIRE CHIEF DENNIS THOMPSON PROVIDED AN UPDATE TO THE BOARD ON THE EMERGENCY PROCLAMATION RESULTING FROM RECENT FLOODS IN SOUTHERN CALIFORNIA

MARIANNE HESTER, TEHACHAPI, COMMENTED ON THE POSITIVE RESULTS FROM THE COMMUNITY MEETING HELD IN LAMONT BY SUPERVISOR RUBIO

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 9) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) -

SUPERVISOR MABEN REPORTED ON THE POSITIVE RESPONSE BY THE DESERT MANAGERS GROUP TO INCLUDE LOCAL GOVERNMENT OFFICIALS TO PARTICIPATE IN PUBLIC LANDS DISCUSSIONS

REFERRED TO COUNTY COUNSEL AND COUNTY STAFF TO PREPARE AND SUBMIT THE NECESSARY RESOLUTION FOR THE BOARD'S CONSIDERATION FOR KERN COUNTY TO PARTICIPATE IN THE DESERT MANAGERS GROUP

Maben-Patrick: All Ayes

SUPERVISOR MCQUISTON ANNOUNCED HE WILL BE ABSENT NEXT WEEK TO ATTEND MEETINGS IN WASHINGTON, D.C., RELATING TO MILITARY BASE RETENTION AND CLOSURE

DEPARTMENTAL REQUESTS

AGRICULTURE AND MEASUREMENT STANDARDS

- *10) Request for establishment of fees in the amount of \$15,000 for creation of Kern Table Grape Disease and Pest District, and request for establishment of an interest bearing trust fund for deposit of fees (Fiscal Impact: \$15,000; Special District; Not Budgeted; Discretionary) - APPROVED; ADOPTED PROPOSED POLICY FOR COUNTY REIMBURSEMENT COSTS TO ESTABLISH KERN TABLE GRAPE PEST AND DISEASE CONTROL DISTRICT; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ESTABLISH AN INTEREST BEARING TRUST FUND FOR FEES

Patrick-Maben: All Ayes

AIRPORTS

- *11) Request for temporary retroactive reinstatement of one (1) Supervising Facilities Attendant and three (3) Facilities Attendant positions, effective January 1, 2005 through April 1, 2005, previously approved by the Board on August 10, 2004 (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

- *12) Request authorization for the Department of Airports and the General Services Division to issue a Request for Proposal for lease of two concession spaces within the new Meadows Field Airport terminal building (Fiscal Impact: None) - APPROVED; AUTHORIZED ISSUANCE

Patrick-Maben: All Ayes

- *13) Proposed Lease Agreements with the Federal Aviation Administration (FAA) for Navigational Aids at Meadows Field, from October 1, 2005 through September 30, 2025, at no cost to the FAA (Fiscal Impact: None) - MADE FINDING THAT PROJECTS ARE EXEMPT UNDER SECTION 15301 OF CEQA; DIRECTED CLERK OF THE BOARD TO FILE A COPY OF THE NOTICE OF EXEMPTION IF REQUESTED; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENTS 068-2005, 069-2005, 070-2005, 071-2005, 072-2005, 073-2005, AND 074-2005

Patrick-Maben: All Ayes

AUDITOR-CONTROLLER-COUNTY CLERK

- *14) Transfer to County General Fund of Unclaimed Refundable Property Tax Payments in the amount of \$11,043.65 (Fiscal Impact: \$11,043.65) - APPROVED

Patrick-Maben: All Ayes

BOARD OF SUPERVISORS

- 15) Request of Fifth District Supervisor Michael Rubio for consideration of night meetings to be held once in each of the Supervisorial Districts (Fiscal Impact: Unknown) - APPROVED; REFERRED TO COUNTY ADMINISTRATIVE OFFICER, COUNTY COUNSEL AND CLERK OF THE BOARD TO REPORT BACK REGARDING IMPLEMENTATION

Rubio-Patrick: All Ayes

- 16) Proposal from Fourth District Supervisor Ray Watson for weekly in-depth Board Briefings from selected County departments (one departmental briefing of approximately 20 minutes each week) (Fiscal Impact: Unknown) - APPROVED; REFERRED TO COUNTY ADMINISTRATIVE OFFICER TO COORDINATE SCHEDULING OF DEPARTMENTAL BRIEFINGS

McQuiston-Maben: All Ayes

DISTRICT ATTORNEY

- 17) Request for proposed budget transfer in the amount of \$535,902, for the District Attorney Forensic Science Division to fund six (6) additional positions effective April 1, 2005, and purchase of equipment and related supplies (Fiscal Impact: Fiscal Year 2004-2005, \$535,902; annualized cost thereafter, \$894,377; Not Budgeted; General Fund) - BILL, HELEN AND TARYN WOOLLEY; SHARON ROTHERMEL; AND KERN COUNTY FIRE CHIEF DENNIS THOMPSON HEARD IN SUPPORT; CARSON STEWART HEARD IN OPPOSITION; REFERRED TO COUNTY ADMINISTRATIVE OFFICE TO REVIEW AND REPORT BACK ON TUESDAY, FEBRUARY 15, 2005 AT 2:00 P.M. AND TO COORDINATE WITH DISTRICT ATTORNEY TO IDENTIFY EQUIPMENT REQUESTS WHERE TIMING IS CRITICAL FOR ACHIEVEMENT OF CRIME LAB ACCREDITATION; FURTHER DIRECTED COUNTY ADMINISTRATIVE OFFICE TO SUBMIT APPROPRIATE BUDGET TRANSFER FOR BOARD CONSIDERATION ON FEBRUARY 8, 2005

Maben-Patrick: All Ayes

EMPLOYERS' TRAINING RESOURCE

- *18) Proposed retroactive Agreement with Kern County Superintendent of Schools to provide work readiness, basic skills instruction, and employment preparation opportunities for eligible youths aged 14-21, and child care, from July 1, 2004 through June 30, 2005, in an amount not to exceed \$428,611 (prior notification June 29, 2004) (Fiscal Impact: \$428,611; Federal Grant; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 075-2005

Patrick-Maben: All Ayes

FIRE DEPARTMENT

- *19) Quarterly report of overtime expenditures - RECEIVED AND FILED

Patrick-Maben: All Ayes

HUMAN SERVICES

- *20) Proposed Agreement with Benton and Associates, LTD, for assistance in leveraging Title IV-E and other Federal funding, for services to children and their families, from February 1, 2005 through June 30, 2005, in an amount not to exceed \$97,363 (Fiscal Impact: \$97,363; 50% Federal and 50% County Funds; Not Budgeted; Discretionary) -

WITHDRAWN

- *21) Request to employ retired County employee, Lillian Ruth Johnson, as a Social Service Worker III, Step E, Range 53.7, for a period not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$21,636 Federal/State; Budgeted; Mandated) - APPROVED

Patrick-Maben: All Ayes

KERN MEDICAL CENTER

- *22) Request for increase of encumbrance of sole source Blanket Purchase Order with Synthes USA, from \$400,000 to a maximum of \$800,000, for purchase of orthopedic implants and instruments (Fiscal Impact: \$400,000; KMC Enterprise Fund; Budgeted; Mandated) - AUTHORIZED PURCHASING AGENT TO INCREASE PURCHASE ORDER UP TO A MAXIMUM OF \$800,000

Patrick-Maben: All Ayes

- *23) Proposed Agreement for Professional Services with CHG Medical Staffing, Inc., an independent contractor, for temporary staffing of non-physician laboratory specialties, from February 1, 2005 through January 31, 2006, in an amount not to exceed \$270,000 (Fiscal Impact: \$270,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 076-2005

Patrick-Maben: All Ayes

- 24) Proposed Agreement for Professional Services with Medical Intermediaries, LLC, an independent contractor, for physician recruitment services, from February 1, 2005 through January 31, 2006, in an amount not to exceed \$121,000 (Fiscal Impact: \$121,000; KMC Enterprise Fund; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 077-2005

Rubio-McQuiston: All Ayes

MENTAL HEALTH SERVICES

- *25) Proposed Amendment No. 1 to Agreement 526-2004 with Connie Giannantonio, for hearing officer services for Kern County consumers, to increase compensation for higher than anticipated service delivery levels, from \$4,500 to an amount not to exceed \$11,300 (an increase of \$6,800) - (Fiscal Impact: \$6,800; Budgeted; Mandated) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 078-2005

Patrick-Maben: All Ayes

- *26) Proposed retroactive Agreement (State No. 04-74221-000) with the State Department of Mental Health for performance of Specialty Mental Health Services under the Medi-Cal Program, from July 1, 2004 to June 30, 2005 (Fiscal Impact: None; Mandated; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 079-2005

Patrick-Maben: All Ayes

- *27) Request to employ retired County employee, Jeffrey L. Colbert, as an extra-help Mental Health Technician II, Range 46.9, Step E, retroactive to December 2, 2004, for a period not to exceed 120 working days or 960 hours whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$15,195) - APPROVED

Patrick-Maben: All Ayes

- *28) Proposed addition of one (1) Substance Abuse Specialist I/II, one (1) Senior Office Services Specialist, and one (1) Office Services Technician positions; and deletion of one (1) Mental Health Recovery Specialist Aide position from Budget Unit 4120, effective February 1, 2005 (Fiscal Impact: approximately \$120,937 to \$121,426) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

PARKS AND RECREATION DEPARTMENT

- *29) Proposed Resolution and request for authorization to apply to the State for funding through the Roberti-Z'Berg-Harris Block Grant Program, for park purposes, in the amount of \$1,074,436 (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-037

Patrick-Maben: All Ayes

PARKS AND RECREATION - Wildlife Resources Commission

- *30) Proposed funding request from the California Department of Fish and Game to purchase fish food, in the amount of \$2,200 (Fiscal Impact: \$2,200 Budgeted) - APPROVED PROJECT IN THE AMOUNT OF \$2,200 FROM FUNDS AVAILABLE IN THE 2004-2005 APPROPRIATIONS FOR CONTRIBUTIONS TO OTHER AGENCIES; AUTHORIZED PARKS DEPARTMENT TO COMPLETE THE NECESSARY DOCUMENTS TO COMPLETE TRANSACTION; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT UPON PROPER DOCUMENTATION

Patrick-Maben: All Ayes

- *31) Proposed funding request from the California Department of Fish and Game to purchase pheasant for a women's pheasant hunt, in the amount of \$537.50 (Fiscal Impact: \$537.50; Budgeted) - APPROVED PROJECT IN THE AMOUNT OF \$537.50 FROM FUNDS AVAILABLE IN THE 2004-2005 APPROPRIATIONS FOR CONTRIBUTIONS TO OTHER AGENCIES; AUTHORIZED PARKS DEPARTMENT TO COMPLETE THE NECESSARY DOCUMENTS TO COMPLETE TRANSACTION; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT UPON PROPER DOCUMENTATION

Patrick-Maben: All Ayes

- *32) Proposed funding request from the California Department of Fish and Game to purchase pheasant for a family pheasant hunt, in the amount of \$1,075 (Fiscal Impact: \$1,075; Budgeted) - APPROVED PROJECT IN THE AMOUNT OF \$1,075 FROM FUNDS AVAILABLE IN THE 2004-2005 APPROPRIATIONS FOR CONTRIBUTIONS TO OTHER AGENCIES; AUTHORIZED PARKS DEPARTMENT TO COMPLETE THE NECESSARY DOCUMENTS TO COMPLETE TRANSACTION; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT UPON PROPER DOCUMENTATION

Patrick-Maben: All Ayes

- *33) Proposed funding request from the City of Tehachapi to purchase fish for the Brite Lake Restoration Project, in the amount of \$3,140 (Fiscal Impact: \$3,140; Budgeted) - APPROVED PROJECT IN THE AMOUNT OF \$3,140 FROM FUNDS AVAILABLE IN THE 2004-2005 APPROPRIATIONS FOR CONTRIBUTIONS TO OTHER AGENCIES; AUTHORIZED PARKS DEPARTMENT TO COMPLETE THE NECESSARY DOCUMENTS TO COMPLETE TRANSACTION; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT UPON PROPER DOCUMENTATION

Patrick-Maben: All Ayes

- *34) Proposed funding request from the Fish and Game Habitat Club, amending the October 26, 2004 approval, to increase funding by \$350 from \$4,500 to \$4,850 to purchase one portable low noise generator in the amount of \$1,850 (Fiscal Impact: \$350; Budgeted) - APPROVED THE INCREASED AMOUNT OF \$350 FROM FUNDS AVAILABLE IN THE 2004-2005 APPROPRIATIONS FOR CONTRIBUTIONS TO OTHER AGENCIES; AUTHORIZED PARKS DEPARTMENT TO COMPLETE THE NECESSARY DOCUMENTS TO COMPLETE TRANSACTION; AUTHORIZED AUDITOR-CONTROLLER-COUNTY CLERK TO ISSUE A WARRANT UPON PROPER DOCUMENTATION

Patrick-Maben: All Ayes

PERSONNEL

- *35) Classification of positions recommended by Civil Service Commission effective February 5, 2005 (Fiscal Impact: None) - APPROVED; REFERRED TO PERSONNEL TO AMEND DEPARTMENTAL POSITIONS AND SALARY SCHEDULE

Patrick-Maben: All Ayes

PUBLIC HEALTH SERVICES

- *36) Notification of anticipated retroactive Agreement with National Nurse-Family Partnership for professional services to the Kern County Nurse-Family Partnership Program (Fiscal Impact: None) - RECEIVED AND FILED

Patrick-Maben: All Ayes

SHERIFF

- *37) Expenditure by the Sheriff of Inmate Welfare Funds pursuant to Penal Code Section 4025 for repairs, remodeling, and major maintenance work at Sheriff's Pre-trial Facility and Male Minimum Security Facility at Lerdo, in the amount of \$853,800 (Fiscal Impact: No impact to County General Fund - APPROVED APPROPRIATION OF UNANTICIPATED REVENUE IN THE AMOUNT OF \$853,800 TO APPROPRIATIONS FOR CONTINGENCIES; APPROVED BUDGET TRANSFER FROM APPROPRIATIONS FOR CONTINGENCIES TO SHERIFF'S BUDGET UNIT 2210 IN THE AMOUNT OF \$853,800

Patrick-Maben: All Ayes

SUPERIOR COURT

- *38) Request for public hearing to consider an increase in Civil Filing Fee (Fiscal Impact: \$86,400 for Community Mediation Programs) -

WITHDRAWN

ADJOURNED TO CLOSED SESSION

McQuiston

CLOSED SESSION

COUNTY ADMINISTRATIVE OFFICE

- 39) Request for Closed Session regarding Meet and Confer, All unions -

(If public reporting is required by Government Code Section 54957.1 relating to the above matters, the public reporting of any action taken in closed session will be made at the beginning of the 2:00 p.m. session of the Board of Supervisors.)

RECONVENED FROM CLOSED SESSION; RECESSED TO 2:00 P.M.

Patrick-Maben

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

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BOARD ACTION SHOWN IN CAPS

PUBLIC PRESENTATIONS

- 1) This portion of the meeting is reserved for persons to address the Board on any matter not on this agenda but under the jurisdiction of the Board. Board members may respond briefly to statements made or questions posed. They may ask a question for clarification, make a referral to staff for factual information or request staff to report back to the Board at a later meeting. Also, the Board may take action to direct the staff to place a matter of business on a future agenda. SPEAKERS ARE LIMITED TO TWO MINUTES. PLEASE STATE YOUR NAME BEFORE MAKING YOUR PRESENTATION. THANK YOU!
- NO ONE HEARD

BOARD MEMBER ANNOUNCEMENTS OR REPORTS

- 2) On their own initiative, Board members may make an announcement or a report on their own activities. They may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Sec. 54954.2[a]) - SUPERVISOR RUBIO COMMENDED CRAIG POPE, DIRECTOR OF ROADS, AND HIS STAFF FOR ASSISTANCE IN APPLYING FOR FUNDS FOR CURBS, GUTTERS AND SIDEWALKS ALONG PIONEER DRIVE IN EAST BAKERSFIELD

CONTINUED HEARINGS

RESOURCE MANAGEMENT AGENCY

Planning Department

- *3) **Request from Ron Vallicella by Porter-Robertson Engineering and Surveying, Inc., to change the permitted uses from agriculture to residential on 24.31 acres located at 25941 Clear Creek Road, Keene (SD #2)**

Specific Request:

Amend the Land Use, Open Space and Conservation Element of the Kern County General Plan from Map Code(s) 8.3 to Map Code(s) 5.6 or a more restrictive map code designation (GPA #5, Map #146)

(Negative Declaration; Published Bakersfield Californian) (from 12/7/2004) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; PER PLANNING COMMISSION RECOMMENDATION, ADOPTED NEGATIVE DECLARATION AND MITIGATION MEASURE MONITORING PROGRAM; ADOPTED RESOLUTION 2005-038 APPROVING GENERAL PLAN AMENDMENT AS REQUESTED

Maben-Patrick: All Ayes

- *4) **Request from Blackhawk Land Company, Inc., by Delmarter and Deifel to change the permitted uses from agriculture to single-family residential on 157.18 acres and to cancel 20 acres of a Land Use Contract located at the northwest corner of Hageman Road and Renfro Road, western Rosedale (SD #4)**

Specific Request:

(a) Amend the Western Rosedale Specific Plan from Map Code(s) R-IA to Map Code(s) LMR or a more restrictive map code designation (SPA #50, Map #101)

(b) A change in zone classification from A to E (5) RS PE on five acres, to E (1) RS on 10.94 acres, and to R-1 on 141.24 acres or more restrictive districts (ZCC #134, Map #101)

(c) Exclusion of approximately 157.18 acres from the boundaries of an Agricultural Preserve (Ag Pres #9 - Excl)

(d) Cancellation of a 20.02-acre parcel of a Land Use Contract (Cancellation #04-5)

(Environmental Impact Report; Published Bakersfield Californian) (from 12/7/2004) - REFERRED BACK TO STAFF

Maben-Patrick: All Ayes

- *5) **Request from S.V. Investments by Frank A. Slinkard to change the permitted uses from agriculture to single-family residential on 40 acres and to exclude 40 acres from an Agricultural Preserve located at the northwest corner of Renfro Road and Noriega Road, western Rosedale (SD #4)**

Specific Request:

(a) Amend the Western Rosedale Specific Plan from Map Code(s) R-IA to Map Code(s) LMR or a more restrictive map code designation (SPA #53, Map #101)

(b) A change in zone classification from A to R-1 or a more restrictive district (ZCC #139, Map #101)

(c) Exclusion of approximately 40 acres from the boundaries of an Agricultural Preserve (Ag Pres #9 - Excl)

(Environmental Impact Report; Published Bakersfield Californian) (from 12/7/2004) - REFERRED BACK TO STAFF

Maben-Patrick: All Ayes

DEPARTMENTAL REQUESTS

RESOURCE MANAGEMENT AGENCY
Planning Department

Miscellaneous

S.D. #1

- *6) Request from Cheryl Kelley for determination of public convenience for the issuance of on-sale general liquor license at 20-22 Tobias Street, Kernville, pursuant to the Alcohol Beverage Control Act, Section 23958 of the Business and Professions Code (Fiscal Impact: None)(from 1/18/2005) -

WITHDRAWN AT THE REQUEST OF THE APPLICANT

RESOURCE MANAGEMENT AGENCY
Community and Economic Development Department

S.D. #1

- *7) Proposed Amendment No. 1 to Agreement 922-2004 with the Housing Authority of the County of Kern to modify the proposed HOME Program Loan amount for the Rancho Algodon Rehabilitation Project, Project No. 33.03.7, an increase of \$536,000, for a new total not to exceed \$1,476,000 (Fiscal Impact: \$536,000; Home Investment Partnerships Program; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 080-2005; AUTHORIZED DIRECTOR TO SIGN DOCUMENTS REQUIRED TO IMPLEMENT PROJECT AS AMENDED, INCLUDING MODIFICATION AGREEMENT, TITLE DOCUMENTS, ESCROW INSTRUCTIONS, AND OTHER DOCUMENTS AS NECESSARY, ALL IN A FORM APPROVED BY COUNTY COUNSEL

Maben-Patrick: All Ayes

S.D. #5

- *8) Proposed Finding of No Significant Impact (FONSI), Mitigated Negative Declaration, and Request for Release of Funds (RROF) for Bakersfield Police Activities League Recreation Facility, CD No. 47.04.1 (Fiscal Impact: \$138,500; Community Development Block Grant; Budgeted; Discretionary) - APPROVED FONSI AND MITIGATED NEGATIVE DECLARATION; AUTHORIZED CLERK OF THE BOARD TO FILE NOTICE OF DETERMINATION; AUTHORIZED CHAIRMAN TO SIGN RROF AND CERTIFICATION; AUTHORIZED DIRECTOR TO SUBMIT TO U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Engineering and Survey Services

S.D. #2

- *9) Proposed Contract No. 04022 with ANM Construction for construction of Mojave Drainage Improvements, Phase VIII, in an amount not to exceed \$499,424 (Fiscal Impact: \$499,424; CEDD; Budgeted) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 081-2005

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Environmental Health Services

All S.D.'s

- *10) Request to hire retired County employee, Karen Geye, as Business Manager, Range 59.3, Step E, for a term not to exceed 120 working days or 960 hours, whichever is greater, in the 12-month period following date of employment (Fiscal Impact: \$28,771; General Fund; Budgeted) - APPROVED

Maben-Patrick: All Ayes

RESOURCE MANAGEMENT AGENCY
Roads Department

S.D. #1

- *11) Contract No. 05005, identify apparent low bid from Granite Construction for construction on Webb Avenue, in an amount not to exceed \$79,940 (Fiscal Impact: \$79,940; Community Development Block Grant Funds; Budgeted; Discretionary) - IDENTIFIED APPARENT LOW BID; AUTHORIZED ROADS TO PREPARE NECESSARY CONTRACT DOCUMENTS AND RELEASE ALL OTHER BID GUARANTEES

Maben-Patrick: All Ayes

S.D. #5

- *12) Proposed parking limitation on South "P" Street (Fiscal Impact: None) - APPROVED; REFERRED TO COUNTY COUNSEL FOR PREPARATION OF ORDINANCE

Maben-Patrick: All Ayes

All S.D.'s

- *13) Proposed Resolution to adopt updated Disadvantaged Business Enterprise (DBE) Program for Federal Fiscal Year 2004-2005 (Fiscal Impact: None) - APPROVED; ADOPTED RESOLUTION 2005-039

Maben-Patrick: All Ayes

- *14) Certification of Compliance with Federal Transit Administration Anti-Drug and Alcohol Misuse Program Regulations (Fiscal Impact: None) - AUTHORIZED DIRECTOR TO COMPLETE AND FILE REQUIRED CERTIFICATION

Maben-Patrick: All Ayes

WASTE MANAGEMENT

All S.D.'s

- *15) Proposed Resolution to amend the Unincorporated Kern County Non-Disposal Facility Element of the Countywide Integrated Waste Management Plan to include the recycling programs at the Shafter-Wasco Sanitary Landfill and approve the Negative Declaration - CONTINUED TO TUESDAY, FEBRUARY 15, 2005, AT 2:00 P.M.

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE

- *16) Proposed Amendment No. 1 to Agreement 897-2004 with Edwards Community Alliance for military base retention promotional activities to increase the scope of work and increase the amount by \$2,000, from \$35,000 to \$37,000 (Fiscal Impact: \$2,000; General Fund; Budgeted; Discretionary) - APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 082-2005

Maben-Patrick: All Ayes

- *17) Proposed Memorandum of Understanding with City of Bakersfield for exchange of tax revenues attendant to certain types of annexations for a term of twenty years to February 1, 2025 (Fiscal Impact: Unknown) - CONTINUED TO TUESDAY, FEBRUARY 15, 2005, AT 2:00 P.M.

Maben-Patrick: All Ayes

- 18) Proposed process for development of new County strategic goals (Fiscal Impact: None) - APPROVED

McQuiston-Rubio: All Ayes

- *19) Proposed recruitment plan and recruitment brochure for selection of new Executive Director of the Board of Trade - APPROVED

Maben-Patrick: All Ayes

COUNTY ADMINISTRATIVE OFFICE
General Services Division

Hearing

S.D. #5

- *20) Proposed Energy Services Contract with Kinetics Systems, Inc., for energy related improvements at three (3) County facilities (Beale Library, Public Services Building and the Juvenile Hall Facility) (Fiscal Impact: \$1.8 million: Major Maintenance; Budgeted) - OPENED HEARING; NO ONE HEARD; CLOSED HEARING; ADOPTED RESOLUTION 2005-040; APPROVED; AUTHORIZED CHAIRMAN TO SIGN AGREEMENT 083-2005; AUTHORIZED ASSISTANT CAO FOR GENERAL SERVICES TO SIGN THE APPLICATION FOR AN ENERGY-RELATED REBATE OF \$160,000

Maben-Patrick: All Ayes

S.D. #2

- *21) Request to set hearing for granting of pipeline franchise to Aerial Acres Water Company, Inc. (Fiscal Impact: Revenue of \$1,647; Budgeted) - ADOPTED RESOLUTION 2005-041 SETTING HEARING FOR TUESDAY, MARCH 8, 2005, AT 2:00 P.M.; DIRECTED CLERK OF THE BOARD TO PUBLISH NOTICE

Maben-Patrick: All Ayes

S.D. #3

- *22) Proposed extension of Lease Agreement 353-2000 with the Bakersfield Investment Company for use of 3725 Columbus Avenue, Bakersfield, for Northeast Bakersfield Branch Library, for an additional three-year period commencing July 1, 2005 to June 30, 2008 (\$5,100 per month), plus a Common Area Maintenance charge of \$2,550 per month (Fiscal Impact: \$7,650 per month; Budgeted) - MADE FINDING THAT PROJECT IS EXEMPT FROM CEQA PER SECTION 15061; AUTHORIZED GENERAL SERVICES TO FILE NOTICE OF EXEMPTION AS APPROPRIATE; AUTHORIZED GENERAL SERVICES TO NOTIFY BAKERSFIELD INVESTMENT COMPANY OF COUNTY'S INTENTION TO EXTEND TERM OF LEASE AGREEMENT

Maben-Patrick: All Ayes

CONSIDERATION OF ORDINANCES INTRODUCED ON JANUARY 25, 2005

- *23) Proposed Ordinance repealing Subsection (22) of Section 10.16.160 of Chapter 10.16, Title 10, concerning a bus loading zone located on the north side of Petrol Road - ENACTED ORDINANCE G-7191

Maben-Patrick: All Ayes

- *24) Proposed Ordinance adding Subsections (178) and (179) to Section 10.16.041 of Chapter 10.16, Title 10, concerning no stopping zones along the south and north sides of Eucalyptus Drive - ENACTED ORDINANCE G-7192

Maben-Patrick: All Ayes

MATTERS FOR EXECUTIVE APPROVAL

- *25) Budget Transfers - APPROVED NO. 85 THROUGH NO. 88

Maben-Patrick: All Ayes

- *26) Minutes for week of January 3, 2005 - APPROVED

Maben-Patrick: All Ayes

- *27) Miscellaneous Letters and Documents - APPROVED

Maben-Patrick: All Ayes

- *28) Miscellaneous Departmental Referrals by Clerk of the Board - APPROVED AND FILED

Maben-Patrick: All Ayes

- *29) Claims and Lawsuits filed with and referred by Clerk of the Board - APPROVED AND FILED

Maben-Patrick: All Ayes

ADJOURNED TO TUESDAY, FEBRUARY 8, 2005, AT 9:00 A.M.

Patrick

/s/ Denise Pennell
Clerk of the Board

/s/ Ray Watson
Chairman, Board of Supervisors

**AMERICANS WITH DISABILITIES ACT
(Government Code Section 54953.2)**

The Board of Supervisors Chamber is accessible to persons with disabilities. Disabled individuals who need special assistance to attend or participate in a meeting of the Board of Supervisors may request assistance at the Clerk of the Board of Supervisors, Fifth Floor, 1115 Truxtun Avenue, Bakersfield, California or by calling (661) 868-3585. Every effort will be made to reasonably accommodate individuals with disabilities by making meeting material available in alternative formats. Requests for assistance should be made five (5) working days in advance of a meeting whenever possible.

- 27) MISCELLANEOUS LETTERS AND DOCUMENTS - FILED
Auditor-Controller-County Clerk
- A) Local Forensic Laboratory Improvement Program audit report for period from November 1, 2001 to April 30, 2004
- B) Office of Emergency Services/Board of Corrections Grants Vertical Block Prosecution audit report from July 1, 2003 to June 30, 2004
- C) Report on Refunds (Government Code Section 26906) of Erroneous Deposits pursuant to Board Resolution 71-4
Board of Supervisors
- D) State of the County Address by Chairman Ray Watson, Tuesday, January 18, 2005 (Copy to each Supervisor and CAO)
Clerk of the Board
- E) Letter from Jean D. McJannet re resignation from the AIDS Advisory Board (Copy to each Supervisor and CAO)
- F) Letter from Dr. Robert Allen Shankerman re resignation from the AIDS Advisory Board (Copies to each Supervisor and CAO)
- G) Received, certified and forwarded to Recorder for recordation as follows:
1) Parcel Map 10834 S.D. #4
Community & Economic Development
- H) Amendment No. 1 to Memorandum of Understanding between Community & Economic Development and Mental Health for Emergency Shelter Grant Program, CD No. 46.03.5, approved on October 28, 2003, Agenda Item No. 10 p.m.
- I) County Loan Agreement, HOME Investment Partnerships Program, Owner Reconstruction Program, with Javier Augustine Guzman and Francis Guzman
Employers' Training Resource
- J) OJT Agreements:
1) Larry M. Cho, M.D., Inc., dba The Industrial Medical Group, WIA Title 501, dated November 1, 2004
2) GWS Automotive Truck Equipment Sales, Inc., WIA Title 201, dated December 6, 2004
3) Smith Tech USA, Inc., WIA Title 501, dated November 30, 2004
4) Stockdale Aire, Inc., WIA Title 201, dated November 4, 2004
- K) Modification No. 12 to Agreement R485279 with the State of California Employment Development Department to add WIA 15% funding for use in the High Concentration Youth Project
- L) Modification No. 13 to Agreement R485279 with the State of California Employment Development Department to extend the term date of the Disability Program Navigator funds to December 31, 2004

- M) Modification No. 14 to Agreement R485279 with the State of California Employment Development Department to change the term end date of the WIA 25% Rapid Response to June 30, 2005
- N) Modification No. 15 to Agreement R485279 with the State of California Employment Development Department to de-obligate \$93.44 of unspent 15% match funds for Veterans projects and close the grant code
- O) Modification No. 3 to Agreement R588725 with the State of California Employment Development Department to add WIA 25% Rapid Response funding for Program Year 2004-2005 and change the term end date of the grant code to June 30, 2005

Local Agency Formation Commission

- P) Report and Recommendation, Proceeding No. 1388, in the matter of City of Delano, Annexation No. 36 (Copies to each Supervisor and CAO)
- Q) Report and Recommendation, Proceeding No. 1393, in the matter of City of Bakersfield (Annexation No. 465), NOR Sanitary District No. 1 (Annexation No. 762) and North Kern Water Storage (Detach I) Reorganization (Copies to each Supervisor and CAO)

Miscellaneous

- R) Letter from Brian W. Hockett, North West Kern Resource Conservation District, re 2004 Annual Report (Copies to each Supervisor and CAO)
- S) Letter from Kitty Jo Nelson re resignation from the Kern County Parks and Recreation Commission (Copies to each Supervisor, CAO and Parks)
- T) Letter from Dennis J. O'Bryant, State Department of Conservation, re public agency acquisition of land enrolled in Williamson Act Contract (APN 179-020-06, 07 and 42), landfill buffer (Copies to each Supervisor, CAO and County Counsel)
- U) E-mail from Brian Haynes in opposition to proposal of Greater Bakersfield Convention and Visitors Bureau to take over functions of the Kern County Board of Trade and Kern County Film Commission (Copies to each Supervisor, CAO and Board of Trade)
- V) E-mail from Joe Appleton re concerns over the use of bio-sludge in Kern County (Copies to each Supervisor, CAO, Planning, Environmental Health Services, Resource Management Agency and County Counsel)
- W) Memorandum from Janet Cobb, California Oak Foundation, re SB 1334 placing mitigation standards for loss of oak woodlands habitat in the California Environmental Quality Act (Copies to each Supervisor and CAO)
- X) Memorandum from Tammy Burns, Kern County Child Care Council, re quarterly report for period of October 1 to December 31, 2004 (Copies to each Supervisor and CAO)

- Y) Notice from U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, re final critical habitat rule for the Buena Vista Lake Shrew (Copies to each Supervisor, CAO and Planning)
- 28) LETTERS RECEIVED AND REFERRED BY CLERK OF THE BOARD - APPROVED AND FILED
- A) Letter from Sue M. Porter, Inyokern Community Services District, re appointments in lieu of election to fill vacancies for the District - REFERRED TO COUNTY COUNSEL
- 29) CLAIMS AND LAWSUITS FILED WITH AND REFERRED BY THE CLERK OF THE BOARD - APPROVED AND FILED
- A) Claim in the matter of Bill James, individually and as Executor of the Estate of Barron James and Gayleen James vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- B) Claim in the matter of J. McFadden Trust vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- C) Claim in the matter of Pat Brown vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- D) Claim in the matter of Jack Johnson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- E) Claim in the matter of Jared J. Marks vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- F) Claim in the matter of David Allen Johnson vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- G) Claim in the matter of Daniel Castro vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)
- H) Response to Court Order in the matter of Sammye Richardson, et al vs. Kern County - REFERRED TO COUNTY COUNSEL (Copy to Risk Management)